

DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
JOHN W. FOWLER, Bar No. 037463
jfowler@be-law.com
MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

Attorneys for Plaintiff and Counter-Defendant
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation,

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. C07-04330 RMW (HRL)

**DECLARATION OF JOHN W. FOWLER
IN SUPPORT OF VERIGY'S MOTION TO
STRIKE AFFIRMATIVE DEFENSES**

Date: November 9, 2007

Time: 9:00 a.m.

Place: Courtroom 6

Judge: Hon. Ronald M. Whyte

Complaint Filed: August 22, 2007

Trial Date: None Set

1 I, John W. Fowler, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California. I am a partner with the law firm of Bergeson, LLP, counsel of record for Plaintiff
4 Verigy US, Inc. ("Verigy") in the above-captioned action. I submit this declaration in support of
5 Verigy's Motion to Strike Affirmative Defenses. I have personal knowledge of the facts set forth
6 in this declaration, and, if called to do so, I could and would competently testify thereto.

7 2. On October 3, 2007, my colleague Mindy Morton emailed defendants' counsel and
8 requested a one day extension to respond. As Verigy had previously offered the same courtesy to
9 Defendants for their response to Verigy's Complaint, we expected that Defendants would grant
10 this request. Defendants did not respond to Ms. Morton's email.

11 3. On October 4, 2007, I defended the deposition of Mr. Ira Leventhal, one of
12 Verigy's witnesses. Before the deposition began, I asked defendants' counsel, Mr. Kevin
13 Pasquinelli, why they had not responded to Ms. Morton's request. Mr. Pasquinelli informed me
14 that they had been extremely busy the previous day but that of course they would grant the request
15 for a one day extension. He told me that although he had not responded the previous day, he had
16 assumed that we would know that Defendants would grant such a request.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct and that this declaration was executed this 26th day of October, 2007
19 at San Jose, California.

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21 /s/
22 John W. Fowler
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